THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5823 OF 2006

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DATED: 20-04-2006

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BETWEEN

D.K. Rajendra Prasad,

S/o. Late Moulaji,

R/o. Joshiwadi,

Begum Bazar,

Hyderabad.

...PETITIONER

AND

Municipal Commissioner,

Municipal Corporation of Hyderabad,

Near Tank Bund, Hyderabad and

others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to direct the respondents

1 to 3 to take immediate action on the complaint made by him dated 04.03.2006 and the reminder dated 17.03.2006 before the fourth respondent make nay permanent construction.

Learned counsel for the petitioner submits that the petitioner is the owner of the house property bearing No.14-3-177, Joshiwadi, Begum Bazar, Hyderabad and the said property is his ancestral property. In 1978 after obtaining permission and also sanction plan for re-construction, the petitioner re-constructed the said property.

He further submits that the fourth respondent, the owner of the premises bearing No.14-3-173, Joshiwadi, Begum Bazar, Hyderabad admeasuring 75 sq. yards, is making unauthorized constructions by trespassing into the common lane blocking light and air into the house of the petitioner. He further submits that the petitioner filed a representation before the first respondent on 04.03.2006 followed by a reminder dated 17.03.2006 bringing to his notice the unauthorized construction made by the fourth respondent, but so far no action has been taken.

The fourth respondent filed a counter stating that his old house fell down and in order to re-build the same he started construction, without encroaching any common lane, as no formal permission is required from the authorities in respect of the site being less than 100 sq. yards.

I am not inclined to express any opinion as to whether the fourth respondent encroached any common lane or made construction contrary to the rules. However, as the representation of the petitioner is pending consideration before the respondents, the third respondent, who is the concerned Assistant City Planner of the petitioner's area, is directed to consider and dispose the representation of the petitioner dated 04.03.2006 within four weeks from the date of receipt of a copy of this order after giving reasonable opportunity to the petitioner as well as the fourth respondent.

The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

April 20, 2006

DSK